

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LAWRENCE WOODS,)
Petitioner,)
v.) No. 4:05-CV-872-CDP
STATE OF MISSOURI,)
Respondent.)

ORDER AND MEMORANDUM

This matter is before the Court upon the petition of Lawrence Woods for a writ of habeas corpus and his application for leave to commence this action without payment of the required filing fee. See 28 U.S.C. § 1915(a). Upon consideration of the financial information provided with the application, the Court finds that petitioner is financially unable to pay any portion of the filing fee.

Petitioner, an inmate at the Eastern Reception and Diagnostic Correction Center, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner states that on April 28, 2005, a jury found him guilty of certain crimes that are not specified in the instant petition. Petitioner states that he did not appeal his conviction and has not filed any petitions, applications, or motions in state or federal court with respect to the said judgment.

Upon review of the instant petition, the Court finds no

indication that petitioner has previously presented his claims to a Missouri state court. In the absence of exceptional circumstances, a state prisoner must exhaust currently available and adequate state remedies before invoking federal habeas corpus jurisdiction. Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484 (1973). State remedies are ordinarily not considered exhausted if an individual may effectively present his claim to the state courts by any currently available and adequate procedure. The State of Missouri provides habeas corpus relief for prisoners in its custody. See Rev. Mo. Stat. § 532.010 (1994), Missouri Supreme Court Rule 91.01; see also Haley v. Groose, 873 S.W.2d 221, 223 (Mo. banc 1994) (prisoner may obtain state habeas corpus review of prison conditions that constitute cruel and unusual punishment; mandamus appropriate writ to compel prison officials to remove prisoner from administrative segregation). As such, petitioner has available procedures that he must exhaust.

Therefore,

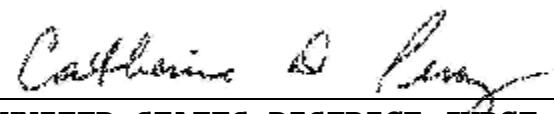
IT IS HEREBY ORDERED that petitioner's motion for leave to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that no order to show cause shall issue as to the respondent, because petitioner has failed to exhaust his available state remedies.

IT IS FURTHER ORDERED that petitioner's application for a writ of habeas corpus is **DENIED**, without prejudice.

An appropriate order shall accompany this memorandum and order.

Dated this 6th day of July, 2005


Catherine D. Lazzari
UNITED STATES DISTRICT JUDGE